

An. Code, sec. 402. 1908, ch. 248.

447. When the seats in any car, coach or compartment shall all be occupied, but not filled, and the increased number of passengers can not be accommodated with separate seats, the conductor or manager in charge of such car or coach is hereby authorized to assign passengers of the same color to the vacant seats, and he can, with the permission and consent of the occupant, assign a passenger of the other color to the unoccupied seats, but not otherwise.

An. Code, sec. 403. 1908, ch. 248.

448. The provisions of sections 443 to 448 shall not apply to persons employed as nurses or valets when accompanying those needing their attention.

Perjury.

An. Code, sec. 404. 1904, sec. 356. 1888, sec. 226. 1692, ch. 16, sec. 4. 1809, ch. 138, sec. 8. 1828, ch. 165, sec. 6. 1858, ch. 414, sec. 10.

449. An oath or affirmation, if made wilfully and falsely in any of the following cases, shall be deemed perjury: First, in all cases where false swearing would be perjury at common law; secondly, in all affidavits required by law to be taken; thirdly, all affidavits to accounts or claims made for the purpose of inducing any court or officer to pass such accounts or claims; fourthly, all affidavits required to be made to reports and returns made to the general assembly or any officer of the government.

Perjury is the willful making under oath in a judicial proceeding of a false statement material to the issue. The competency of person administering oath is immaterial. Indictment held sufficient. A plea in abatement that one of grand jurors did not believe in the Holy Scriptures, held bad. If any of grand jurors who found indictment are incompetent, such indictment is void and the issue may be raised by plea in abatement. *State v. Mercer*, 101 Md. 538.

It is sufficient to charge that traverser swore "wilfully, knowingly, maliciously and falsely." Proceedings before officers of registration are *quasi* judicial and hence perjury may be committed in such proceedings. The offence of perjury must be charged with certainty; indictment held defective. *State v. Bixler*, 62 Md. 357.

Perjury is an infamous crime and any person convicted thereof will not only be disfranchised (unless pardoned), but will be punished under sec. 452. Indictment held sufficient. *State v. Floto*, 81 Md. 601.

The first and second sections of 23 George 2nd, ch. 11, dealing with prosecutions for perjury and subornation of perjury, held to be in force in Maryland. Indictment for perjury growing out of a *habeas corpus* proceeding, held valid. How materiality of evidence may appear. Departure held to be one of form merely. *Deckard v. State*, 38 Md. 201.

An. Code, sec. 405. 1904, sec. 357. 1894, ch. 262, sec. 226A.

450. Any person who shall make oath or affirmation to two contradictory statements, each of them in one of the cases enumerated in section 449 and in either case shall make oath or affirmation wilfully and falsely, shall be deemed guilty of perjury; and to sustain an indictment under this section it shall be sufficient to allege and prove that one of the said two contradictory statements is or must be false and wilful, without specifying which one.